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A 'to do' list for the next governor

*By ART CHANCE**SENIOR CONTRIBUTOR*

As soon as you are elected, actually preferably before, put together a work group tasked with reorganizing State government so that a Republican governor can actually run the government.

The State's organizational structure dates back to the Territory and the days of first class mail, carbon manifold copies, and dial telephones where there was any telephone service at all.

A Republican governor could not staff all the politically appointed positions in State government with loyal, competent Republicans if his/her life depended on it, and a Republican governor cannot govern with

The thrust of any reorganization should be to reduce the layers of the organization and the number of appointees that run that organization.

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Look at the things we thought about in the Murkowski Administration:

The “Eight Stars Program” white paper we produced early in the Murkowski Administration is dated but still relevant. We could only do some of them before we succumbed to the pushback from the congenital bureaucrats, then two Republican governors just let the bureaucrats lead them down the primrose path to defeat.



ART CHANCE

Fire them all.

Fire every political appointee you have a clear legal right to fire other than the assistant attorneys general.

There is somebody a step behind almost every appointee who really does the appointee’s job and the only distinction the appointees have is the ability to charmingly lie to the Legislature.

There may be some political appointees who have offered you support; remember they were cheating on the guy who signed their paycheck when they helped you. What makes you think you can trust them?

There are some appointees who are relatively apolitical subject matter experts, fire them anyway, let them miss a paycheck or two and re-apply; it will encourage the others.

The only reason I reserve judgment about the assistant attorneys general is the fact that while they’re all partially exempt and thus nominally “serve at the pleasure” employees, lots of them are just technocrats, researchers, and brief writers, so they don’t have any real policy responsibility. They really aren’t “at will” policy making employees. A new Republican governor doesn’t need headlines about a court saying that he wrongfully discharged these “selfless public servants,” even if some of them are nothing more than political hacks. These have to be dealt with on a case by case basis.

Immediately upon election, demand that the Director of Personnel give an accounting of all exempt appointments in the Executive Branch and the legal basis for the position being in the exempt service.

Specifically have the director account for all appointments authorized under AS 39.25.110(9), the so-called temporary exempts. These appointments are simply a scam; if you have a friend in high places, you can get a \$100K/yr. plus job that is nothing more than a sinecure.

[Read: Innovation change agent has best State job ever]

Immediately upon taking office. issue an administrative order rescinding former director of personnel Bev

status to temporary exempt employees; it is patently illegal.

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If the temporary exempt has a real job, have the director of personnel move it to the classified service; there is provision in the Personnel Rules for that transition. Some will survive, likely most won't, and it will be no great loss.

Direct the director of personnel and labor relations to provide an accounting of all reclassification actions and range changes during the Walker Administration whether by the director's ministerial authority or by agreement with a union. Also direct the director to account for all classification studies in the Walker Administration.

Direct the director of personnel and labor relations to provide copies of a labor agreements and contract modifications, however styled, that modified the wages, hours, or terms and conditions of an employee or group of employees or which constitute a monetary term within the meaning of AS 23.40.250(4). Any requiring a report of monetary terms should be rescinded pending their being reported and approved by the Legislature.

Task OMB, the Commissioner of Revenue, and the Commissioner of Administration to make an accounting of all "sub-funds of the General Fund" and the amount and status of all appropriated but unexpended Operating and Capital funds. I suspect you'll find that the Executive Branch has been keeping money in mattresses and coffee cans and not telling the Legislature.

A Republican Administration will cause the unions not under contract or with looming expirations to scramble to get an agreement with the Walker Administration. If the unions/Democrats can elect coalition majorities in both bodies, the State is going to be stuck with those agreements.

Since the Legislature will in all likelihood not be in session between the election and the beginning of the next regular session of the Legislature, your Administration will be required to submit the monetary terms negotiated by the Walker Administration to the new Legislature within ten days of the Legislature convening. This is an explicit statutory duty of the Commissioner of Administration and cannot be avoided no matter how much the agreements might stink.

Republican Legislatures in the past have rejected the monetary terms of negotiated agreements and the rejection has withstood judicial scrutiny.

Rejections by just one body have resulted in agreements having to be renegotiated, but the legal status of a rejection by one body has never been litigated.

The real issue if Republicans retain control of one body or secure control of both, previous litigation of the issue is not a reliable guide. During the last years of the Knowles Administration the Administration

generously “worked with” the Legislature to amend Section 215 of the Public Employment Relations Act to make it incomprehensible.

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A Legislative Disapproval by either one or both bodies will result in an appeal to the Supreme Court and there is no reliable way to predict how they might rule except if the challenge is based on sub-section (a) of Section 215.

If an administration asks for funding to satisfy the terms of a negotiated agreement and the Legislature refuses to make the appropriation, the contract is not valid and enforceable, at least as to its monetary terms.

In short, if the unions grab agreements from the outgoing Walker Administration and one or both bodies of the Legislature reject the agreement(s) the first three years of your term are going to involve pursuing the dispute to the Supreme Court with an uncertain outcome unless the only question is funding.

The only reliable tool for a new Republican administration if the unions/Democrats control the Legislature is the fact that the new administration is under no obligation to ask for an increment to pay for the agreements and if the Legislature appropriates an increment to pay for them; the governor can veto the increment.

They'll file an unfair labor practice complaint and you might lose before the labor board or in the Superior Court, but you'll prevail at the AKSC because they've already decided this issue.

You will have to observe the terms of the new agreement, but you don't have to let them have any more money. So, if the unions want pay raises or other cost items, they get paid for with layoffs.

We are destined to live in interesting times.

Art Chance is a retired Director of Labor Relations for the State of Alaska, formerly of Juneau and now living in Anchorage. He is the author of the book, “Red on Blue, Establishing a Republican Governance,” available at Amazon. He only writes for Must Read Alaska when he's banned from posting on Facebook.

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Suzanne Downing had careers in business and journalism before serving as the Director of Faith and Community-based Initiatives for Florida Gov. Jeb Bush and returning to Alaska to serve as speechwriter for Gov. Sean Parnell. Born on the Oregon coast, she moved to Alaska in 1969.

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J MARK / OCTOBER 19, 2018

Great post, Art. Lots of good stuff to work with here. Hopefully, it will be read by some people who will implement all of it.



DONN LISTON / OCTOBER 22, 2018

Excellent piece. Together with the US Supreme Court decision on Janus, maybe an incentive can separate good state employees from PCN-filling strawmen.



VERONICA / NOVEMBER 8, 2018

As a state employee... I see exactly what you are talking about here Art. I hope and pray that Governor elect Dunleavy reads this and follows through with your suggestions. There are so many corrupt people that are high up on the ladder that need to go. Each covering up for the other.

The other thing that should happen is an in-depth independent audit of each and every department. There is so much waste.

There really are many redundant positions, Managers who waste millions and millions of dollars every year and incompetence that chases excellent, talented employees away. Replacing them with unqualified individuals who make the workplace unsafe for employees and the public.

I pray every day that the Governor Elect will listen to the people who have come to him with their knowledge and their ideas for resolving the corruption at all levels in State Government. I pray that he doesn't push them aside, like Governor Walker did, and allows the "Good ol boys" club to remain status quo.